

**NEVADA STATE WELFARE DIVISION
PUBLIC WORKSHOP ON PARENTAL RESPONSIBILITY**

The Public Workshop on Parental Responsibility was brought to order by Nancy K. Ford, Welfare Administrator, at 10:02 a.m. on Tuesday, October 19, 2004. This meeting was held at the Welfare Division Central Office, 1470 East College Parkway, Carson City, Nevada.

STAFF PRESENT

Nancy Ford, Administrator
John Liveratti, Division of Health Care Financing & Policy
David Luke, Mental Health and Disability Services
Gary Stagliano, Deputy Administrator
Janice Stenson, Program Specialist
Linda Howard, Program Specialist
Miki Primus, Staff Specialist
Lynette Giles, Executive Assistant
Laurie Buck, Deputy Attorney General
Gloria Deyhle, Health Division
Wendy Whipple, Health Division

GUESTS PRESENT

Michael Diamond, Northern Nevada Center for Independent Living
Robert Desruisseaux, Northern Nevada Center for Independent Living
Lora Olvera, Rural Regional Center
Lisa Erqueaga, Northern Nevada Center for Independent Living
Eric Dewitt-Smith, Sierra Regional Center
Becky Hickman, Nevada Parents Encouraging Parents
Robbin Vasquez, RAIN

Ms. Ford opened the Public Workshop at 10:02 a.m. The last public workshop was held on August 13th in a more formal setting. This meeting was held as not to be so intimidating to the general public and encourage more input. She explained this is an open forum to discuss parental responsibility for children on different Medicaid Programs.

I. PARENTAL FINANCIAL RESPONSIBILITY FOR SERVICES PROVIDED TO DISABLED CHILDREN:

Mr. Stagliano distributed the worksheet to determine parental responsibility for the different Medicaid eligibility programs. Ms. Ford explained the Katie Beckett Program was established under the Reagan Administration to not count parental income for a disabled child's Medicaid eligibility when keeping the child in the home instead of an institution. The Parental Responsibility Program was developed to collect support from these families to offset some of the Medicaid costs incurred by the state. The parental responsibility payment is based on income and some parents may have to pay something while some may not. The program has been in existence since 1996. It was litigated and upheld in court.

Ms. Ford briefly reviewed the worksheet. The basic deduction is 200% of the federal poverty guideline and it is adjusted annually. A 10% deduction from the parental income is given if no insurance is available to the disabled child and 15% if private insurance is available to them. The higher a family's income, the higher the parental responsibility payment. Ms. Ford stated health insurance premiums are only deductible if the disabled child is on the insurance. Alimony payments are also recognized as a deduction. The last workshop revealed parents did not know how the deductions worked and how the payment amounts were calculated. Suggested changes to the current policy would include making the responsibility payment prospective from the date of decision instead of retroactive to the date of eligibility. At the end of the year, if parents have paid more than Medicaid paid, a refund would be issued to the family and providers would still be paid.

There were concerns about services provided at no cost being charged to people are on Medicaid, especially mental health services. Ms. Ford explained about how the billings for Medicaid are done when someone becomes eligible. Parents need to be informed by providers what services are covered by Medicaid and the financial responsibility if they are going to be included in the program.

Eric Dewitt-Smith requested reference to the alimony deduction be added to the worksheet.

Robbin Vasquez wanted to know if this form is unchangeable. She explained she knows of about six different families whose co-payment for Medicaid is about \$2,000 - 3,000. She asked if the form would ever be changed to include non-covered medical expenses because some families cannot get help with them and some of the services are very expensive. Ms. Ford explained Medicaid is a medical program for low-income families and services must fall within federal guidelines. She stated she has contacted the Nevada Disability Advocacy & Law Center (NDLAC) and asked them to specify the meaning of medical expenses for

the purposes of a deduction. After discussing what services are available, Ms. Ford explained the Welfare Division does not provide medical services, the agency responsible for Medicaid services is the Division of Health Care Financing and Policy. She then introduced John Liveratti, Chief, Compliance and Provider Support Unit.

Dave Luke said a strategic committee has been formed at the Mental Health and Disability Services Division (MHDS) for the purpose of discussing the feasibility of providing additional services for children with autism, waiver changes, etc. There is some activity with regard to these services, but nothing has been decided.

Ms. Ford asked if the change to the prospective charges from date of approval instead of the retroactive charges to Medicaid eligible date are acceptable. Most of the attendees agreed. Mr. DeWitt-Smith asked if any of the testimony heard at the last workshop has been discussed between the agencies. He has found workers in both agencies do not know what the other agency is doing on a case. He also objects to the retroactive parental reimbursement amount. He advises families who come to him for assistance with the application process not to sign for the Medicaid insurance until they know what the parental responsibility amount is going to be. He asked if there is a way to speed up the eligibility process. Ms. Ford said the worksheet needs to be made more readily available to give families some idea of what they may be eligible for. Mr. Stagliano clarified many years ago there was a form applicants signed to acknowledge receipt of information stating they were responsible for an amount for financial responsibility and received disclosure forms. Ms. Ford said the worksheet also refers to children in institutions, not just those in the Katie Beckett Program.

Mr. Luke said the form would be helpful to families to help them in the decision making process to ensure they know what they are getting into by signing up for Medicaid. Ms. Ford suggested clarifying #12 on the worksheet to be sure the child is on the family's insurance policy. Linda Howard reminded her the worksheet is updated every April to keep up with federal poverty guidelines and a date can be added to the worksheet so applicants will know if their form is outdated. Ms. Ford also suggested putting it on the web-site for easy access. Mr. Luke suggested programming the form so the calculations can be done on-line, Mr. Stagliano agreed.

Mr. DeWitt-Smith discussed family members living in the home and asked if an 18 year old child lives away from home, are they not counted in the family unit, even if they are in school. Janice Stenson said dependent children are counted as a deduction. Ms. Ford commented it was suggested at the last workshop to count the number of dependents on the family's tax return plus any other minor children living the home. Lisa Erqueaga said her 18 year old in college is

counted as a dependent and she clarified her testimony at the last meeting on the subject. A discussion of minor children living in and away from the home, including those on tax returns, ensued. Ms. Ford suggested tying the number of dependents on the previous year's tax return to eligibility for the program.

Robert Desruisseaux asked about deductions for those services not covered by Medicaid and paid for by the family. A discussion ensued about medically recognized services and what is covered. Gloria Deyhle stated children who need physical therapy are sometimes limited by the Medicaid model and if the child does not progress enough, the therapy is stopped. She further explained special needs children make slower progress and need therapy to maintain their status. It is a conflict for the families because they have to pay the difference for the therapy not covered by any insurance. Ms. Ford said her concern is how medical services are defined and what would be allowable as the deductible. She believes it is too complex to add to the worksheet and will to work with DHCFP to analyze the financial impact of adding this deductible.

Ms. Erqueaga said her child has two therapy sessions covered by Medicaid, but there is no place to write it on the worksheet as a deduction. She said the Medicaid payment is too expensive for her family to afford and believes the services covered by Medicaid should also be a deduction.

Mr. Luke asked if the previous year's income tax return's medical deduction could be used for the medical deduction for Medicaid Parental Financial Responsibility. There are some higher income families who need the help but cannot afford it because the parental responsibility payment is too high. He said the option of using the medical deductions on the federal tax return could be counted as the medical deduction for parental responsibility, as they have a set standard for this type of deduction. He would like to recognize many families have heavy medical expenses not recognized in the eligibility process. Ms. Ford agreed and said that avenue could be explored.

Mr. Desruisseaux asked about the deduction for a child in college. Ms. Ford said the decision to include dependents claimed on the previous year's tax return should take care of this concern. Mr. Stagliano said dependant deductions are not clarified in policy and that is what is being accomplished by using a previous year's tax return. Ms. Ford said if a family supports a child and they are dependents on federal tax returns, they should be counted toward eligibility for this program.

She asked if there is any interest in changing the child care deduction of \$150 per month, which is deducted after the monthly responsibility is calculated and she suggested doubling the amount. Mr. Desruisseaux said there was a consensus to change this amount at the previous meeting.

Ms. Ford explained there is another public workshop being held in Las Vegas on Thursday, October 21st to garner further input.

She clarified the proposed changes are changing payments to prospective from the eligible date instead of retroactive; medical deductions; double the child care deduction; have brochures and worksheets on web-sites and in all Welfare Offices so the information is available for families when they complete applications.

Mr. Stagliano asked if any of the attendees have heard of families being turned away from Medicaid and not told about other available programs. Mr. DeWitt-Smith said most families are not informed about the different programs available after they are denied Medicaid or approved for SSI. He writes "consider for Katie Beckett" on the applications he helps families complete to ensure the intake worker reviews the application for it. Mr. Liveratti said eligibility for all Medicaid programs is to be considered before SSI makes their decision. Gloria Deyhle said their office has the same problem. Mr. Stagliano apologized for the inconvenience and will discuss making a training change within the offices.

Mr. Desruisseaux asked who fills out the worksheet to arrive at the amount to be paid for parental responsibility. Mr. Stagliano said the intake worker will ask for information from the applicant. If the worksheet is not filled out properly or all necessary information not received, a \$1,900 responsibility is given and forwarded to Investigations for recovery of funds for responsibility. The language on the notices is being softened.

Ms. Ford commented another workshop is scheduled in Las Vegas on Thursday, October 21st. After both meetings have been completed, all suggestions for changes will be put together and a formal public hearing will be scheduled to adopt the changes. The changes will be discussed with sister agencies before completing them for adoption. If there are any other language changes on the form, she asked participants to please submit them.

Ms. Erqueaga asked how the Welfare Division eligibility workers communicate with DHCFP workers. Ms. Ford explained the Welfare Division only determines eligibility. Eligibility workers do not know which services are provided by Medicaid. They only tell DHCFP whether or not to begin services. If a Welfare Division front-line worker does not receive requested information from parents after a notice of responsibility is mailed, it is referred to Investigations for collection.

Ms. Erqueaga had received a call from the Welfare Division's Investigation & Recovery (I&R) Unit about an amount she is responsible for. When she called

her Medicaid worker for clarification, they knew nothing. The redetermination on her child's case is not due until December 2004 and she asked why she is being assessed by I&R. Ms. Ford suggested providing information to her outside the public forum and it would be researched. Ms. Erqueaga did not have the paperwork, but said I&R was assessing her a responsibility amount of \$351. Upon speaking with an I&R worker, they changed the amount and said the worker was looking at the wrong paper. She is very frustrated with the two divisions not talking to each other or helping each other understand what is going on with a case and not communicating with each other. Mr. Stagliano explained the first point of contact is the welfare eligibility worker to see if an applicant is eligible for the programs. When they determine if an applicant is eligible for the available programs and attempt to secure enough information to complete worksheet and figure out the parental responsibility amount. There is no requirement for face to face meeting. Once an obligation of responsibility is done, the amount is sent to I&R. The worksheet is sent to the client to tell how the amount was calculated and hearing rights are available to the client to challenge the amount assessed. The retroactive penalty is then assessed. However, changing the assessment date has been discussed. The medical needs of the child assessment is then done by the DHCFP and MHDS. The experience Ms. Erqueaga had is not typical and should not happen to anyone. Mr. Stagliano apologized for the miscommunication. She wanted to know why she is being assessed now and not for the past 17 years her son has been on the program. Mr. Stagliano advised her to ask for a copy of the calculation worksheet from her eligibility worker. Ms. Erqueaga replied no one knew about this worksheet until the last meeting and likes the idea of putting it on the web-site.

Mr. Desruisseaux asked if a child has aged out of the program, could the parents be charged retroactively for parental responsibility. Mr. Stagliano explained how it could happen because of a carry forward amount. Mr. Desruisseaux asked if a parent could get a responsibility bill from three or four years ago for a child who is now age 21. Mr. Stagliano said it should not happen, but if it does, he advised Mr. Desruisseaux to ask for a hearing. In response to a question from Ms. Whipple, Ms. Ford said the parental responsibility amount is assessed even if the program is not accessed and if a family does not want to use the program, they should withdraw.

Ms. Ford also explained the same worksheet is used to deem parental income of families for children for Medicaid eligibility purposes. In response to a question from Mr. Desruisseaux, Ms. Ford listed the different programs the worksheet is used for, including some mental health programs, SSI, etc. He stated he believes the medical expense deduction is most important because most families are paying large amounts out of pocket for services not covered by Medicaid and wanted to reiterate the point for the record.

II. GENERAL PUBLIC COMMENTS:

None received.

Anyone with additional comments should submit them to Lynette Giles via e-mail or regular mail. Comments can also be submitted via the Welfare Division's webmaster and they will forward it to the appropriate staff. Mr. Stagliano commented the eligibility information is available in the MAABD Manual, Section 360, on the division's web-site.

Ms. Ford explained a hearing will be held after the first of the year to adopt the changes proposed here to regulation. After both workshops are complete the affected divisions will meet to ensure information garnered at these workshops is taken into consideration.

If attendees are interested in being added to the Welfare Division's mailing list, Ms. Ford asked attendees to put their name and address or e-mail address on sign-in sheet.

Ms. Ford thanked everyone for their participation in the workshop. She adjourned the meeting at 11:05 a.m.